

IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

Claim 1-25 (canceled).

Claim 26 (Currently amended): A tool assembly comprising:

an anvil and a cartridge assembly, the cartridge assembly having a plurality of fasteners and being movable in relation to the anvil between a spaced position and an approximated position, the cartridge assembly and anvil defining a tissue gap in the approximated position;

a clamp member positioned adjacent ~~the~~ a proximal end of the cartridge assembly and the anvil and being movable from a first position to a second position to maintain the proximal end of the cartridge assembly and the anvil in juxtaposed alignment; and

a dynamic clamping member movably positioned in relation to the anvil and the cartridge assembly, the dynamic clamping member being movable from a first position to a second position to define a maximum tissue gap between the cartridge assembly and the anvil adjacent the dynamic clamping member during ejection of the plurality of fasteners from the cartridge assembly;

Claim 27 (Previously presented): A tool assembly according to Claim 26, further including a drive member operably connected to the clamp member and the dynamic clamping member, the drive member being formed from a flexible cable and being movable to move the

clamp member and the dynamic clamping member between their first and second positions.

Claim 28 (Previously presented): A tool assembly according to Claim 27, wherein the drive member includes a coaxial drive cable, the coaxial drive cable including an outer sheath and a center rod.

Claim 29 (Previously presented): A tool assembly according to Claim 28, wherein the center rod is movable in relation to the outer sheath.

Claim 30 (Previously presented): A tool assembly according to Claim 29, wherein the center rod is axially movable with respect to the outer sheath.

Claim 31 (Previously presented): A tool assembly according to Claim 29, wherein the center rod is rotatable in relation to the outer sheath.

Claim 32 (Previously presented): A tool assembly according to Claim 28, wherein the outer sheath is operably connected to the clamp member.

Claim 33 (Previously presented): A tool assembly according to Claim 32, wherein the center rod is operably connected to the dynamic clamping member.

Claim 34 (Previously presented): A tool assembly according to Claim 26, wherein the tool assembly is pivotally secured to a body portion of a stapling device.

Claim 35 (Previously presented): A tool assembly according to Claim 34, wherein the tool assembly is operably connected to a collar member and the collar member is pivotally secured to the body portion of the stapling device.

Claim 36 (Previously presented): A tool assembly according to Claim 35, wherein the tool assembly is rotatably mounted to the collar member.

Claim 37 (Currently amended): A tool assembly according to Claim 28 36, wherein the center rod of the coaxial cable is operably connected to the dynamic clamping member and the dynamic clamping member is supported in the tool assembly such that rotation of the center rod effects rotation of the dynamic clamping member which effects rotation of the tool assembly.

Claim 38 (Currently amended): A tool assembly according to Claim 26, wherein the dynamic clamping member includes a first flange portion positioned to engage a surface of the anvil and a second flange portion positioned to engage a surface of the cartridge assembly, the first and second flange portions being positioned to define ~~the~~ a maximum tissue gap adjacent the dynamic clamping member during movement of the dynamic clamping member from its first to its second position.

Claim 39 (Currently amended): A tool assembly according to Claim 38, wherein the clamp member is annular and is positioned about a proximal end of the anvil and of the cartridge assembly in its ~~advanced~~ second position to define a maximum tissue gap at a proximal end of the tool assembly.

Claim 40 (Previously presented): A tool assembly according to Claim 28, wherein the center rod is formed from wound flexible cable.

Claim 41 (Previously presented): A tool assembly according to Claim 28, wherein the outer sheath is selected from the group consisting of steel mesh, plastic, nitinol, and Kevlar.

Claim 42 (Previously presented): A tool assembly according to Claim 26, further including a knife blade associated with the dynamic clamping member.

Claim 43 (Previously presented): A tool assembly according to Claim 42, wherein the knife blade is formed on the dynamic clamping member.

Claim 44 (Previously presented): A tool assembly according to Claim 28 wherein the tool assembly includes a drive collar and the outer sheath is fixedly attached to the drive collar.

Claim 45 (Previously presented): A tool assembly according to Claim 26, wherein the first position of the dynamic clamping member is adjacent a proximal end of the tool assembly and the second position of the dynamic clamping member is adjacent a distal end of the tool assembly.

Claim 46 (Currently amended): A tool assembly according to Claim 26, wherein the cartridge assembly includes a sled and at least one pusher associated with each of the ~~at least one staple plurality of fasteners~~, the sled being driven by the dynamic clamping member into engagement with each pusher to advance each pusher and eject the staple from the cartridge assembly.

Claim 47 (Previously presented): A tool assembly according to Claim 46, wherein the cartridge assembly includes a plurality of staples and pushers.

Claim 48 (Currently amended): A tool assembly for use with a surgical stapler comprising:

an anvil;

a cartridge assembly having at least one staple, the cartridge assembly being movable in relation to the anvil between spaced and approximated positions;

a clamp member positioned adjacent a proximal end of the tool assembly, the clamp member being movable from a retracted position to an advanced position to maintain a proximal end of the anvil and cartridge assembly in the approximated position; and

a dynamic clamping member positioned within the tool assembly and movable from a

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retracted position through the tool assembly to an advanced position to eject staples from the cartridge assembly, the dynamic clamping member including an upper flange portion engaging a surface of the anvil and a lower flange portion engaging a surface of the cartridge assembly, at least one of the upper and lower flange portions having a rounded cross-section along an axis transverse to the a longitudinal axis of the cartridge assembly.

Claim 49 (Previously presented): A tool assembly according to Claim 48, further including a knife blade associated with the dynamic clamping member.

Claim 50 (Previously presented): A tool assembly according to Claim 49, wherein the knife blade is formed on a central body portion of the dynamic clamping member.

Claim 51 (Previously presented): A tool assembly according to Claim 50, wherein the cartridge assembly includes a sled and at least one pusher associated with each of the at least one staple, the sled being driven by the dynamic clamping member into engagement with each pusher to advance each pusher and eject the staple from the cartridge assembly.

Claim 52 (Previously presented): A tool assembly according to Claim 51, wherein the cartridge assembly includes a plurality of staples and pushers.

Claim 53 (Previously presented): A tool assembly according to Claim 52, wherein the upper flange and lower flange are substantially vertically aligned.

Claim 54 (Previously presented): A tool assembly according to Claim 53, wherein the knife blade is disposed on the central body portion between the upper and lower flanges.